

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JAY BURDETTE,
Plaintiff,

vs.

TECH MAHINDRA (Americas) Inc.,
Defendant.

No.

COMPLAINT FOR DISCRIMINATION IN
EMPLOYMENT AND WRONGFUL
TERMINATION

Comes now Plaintiff Jay Burdette, by and through his attorney of record, George O. Tamblyn, and by way of claim alleges as follows:

I. INTRODUCTION

1.1 This lawsuit is for damages against Tech Mahindra (Americas) Inc. ("Tech Mahindra") and is brought under all available tort claims and pursuant to RCW 49.60, et seq.

II. PARTIES, JURISDICTION AND VENUE

1.2 At all times relevant to the Complaint, Plaintiff Jay Burdette was a resident of King County, Washington, and performed services for Tech Mahindra in King County, Washington.

1.3 Defendant Tech Mahindra (Americas) Inc. ("Tech Mahindra") is a Washington Company

1 that does business in King County, Washington.

2 1.4 Tech Mahindra employs 8 or more individuals at all times material to this Complaint.

3
4 1.5 Tech Mahindra is an employer as defined by RCW 49.12.005(3) and the Washington Law
5 Against Discrimination ("WLAD") RCW 49.60.030.

6 1.6 The court has jurisdiction of the parties and subject matter.

7
8 1.7 Venue is proper in this court.

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10 **III. FACTUAL ALLEGATIONS**

11 2.1 Plaintiff is an American Caucasian male.

12 2.2 Plaintiff commenced working for Tech Mahindra as a System Architect, Band P1A on
13 April 25, 2014.

14
15 2.3 As a System Architect, Plaintiff was tasked with archiving data for the assigned projects;
16 archiving mission critical performance for ERP; maintaining OrderTrack, DLC and
17 Mercury/Aspen; requirements gathering. His duties also included policy, process and
18 procedure documentation; weekly program operations governance; vendor coordination
19 and management of trouble tickets; AOTS remedy ticket management; and business
20 stakeholder communication; daily run log and run book management.

21
22 2.4 On July 15, 2015, Tech Mahindra issued Plaintiff a separation notice notifying Plaintiff
23 that his employment would be terminated as of July 31, 2015.

24
25 2.5 Defendant explained that Plaintiff's position was being eliminated because his position
26 was being off-shored.

2.6 After Plaintiff's employment was terminated, Tech Mahindra assigned Plaintiff's duties to employees of Indian descent.

2.7 Such an adverse action was motivated by Plaintiff's race and national origin.

IV. CLAIMS OR CAUSES OF ACTION

a. First Cause of Action: RCW 49.60.30 (Freedom From Discrimination) and RCW 49.60.180 (Unfair Practices of Employers)

3.1 Plaintiff incorporates each of the foregoing factual allegations as if set forth fully herein.

3.2 It is unfair practice for any employer Plaintiff's employment was terminated because of his race, ethnicity, or national origin.

3.3 Termination of Plaintiff's employment because of his race was in violation of RCW 49.60.180 and Chapter 49.60.30.

3.4 As a result, Plaintiff is entitled to recover general damages, specific damages, as well as his costs and reasonable attorney fees pursuant to RCW 49.60.030(2).

b. Second Cause of Action: Wrongful Termination

3.5 Plaintiff incorporates each of the factual allegations as if set forth fully herein.

3.6 It is the public policy of Washington to protect employees from race discrimination.

3.7 Defendant's termination of Plaintiff's employment and reassignment of Plaintiff's duties to employees of Indian descent were discriminatory based on Plaintiff's

3.8 Allowing Tech Mahindra to terminate Plaintiff based on his race would jeopardize the above mentioned public policy.

3.9 Plaintiff's race, ethnicity and national origin caused Plaintiff's termination.

3.10 Washington common law provides a claim for damages for wrongful termination.

3.11 As a result, Plaintiff is entitled to recover general damages, specific damages, as well as costs and reasonable attorney fees pursuant to RCW 49.60.030(2).

V. DEMAND

WHEREFORE, Plaintiff prays that the judgment be rendered in his favor and against Defendant as follows:

4.1 Actual, compensatory, general, and specific damages according proof at trial and as allowable by law;

4.2 Plaintiff's reasonable attorney's fees and costs herein incurred;

4.3 Prejudgment interest; and

4.4 Such other further relief as shall be just and equitable.

DATED: January 11, 2016.



By: _____
George O. Tamblyn; WSBA #15429
Attorney for Plaintiff

DECLARATION OF SERVICE

I certify that on January 11, 2016 I served Complaint for Discrimination in Employment and Wrongful Termination at the address stated below, via the method of service indicated:

Thomas Earl Patton
patton@butzel.com

1747 Pennsylvania Ave. NW, Suite 300
Washington, DC 20006

☐ Federal Express

☐ Process Server

☐ US Mail, 1st Class, Postage Prepaid

☒ Email

I declare under penalty of perjury under the laws of the State of Washington that foregoing is true and correct.

DATED the 11th Day of January, 2016.

Advocates Law Group, PLLC

By: 

Vera P. Fomina
Attorney